

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

JAMES J. ROWE and
SHARON H. ROWE,

Plaintiffs,

v.

Civil Action No. 5:13-21369

CITIBANK N.A. as the Trustee
for LEHAM XS MORTGAGE PASS-THRU
CERTIFICATES, SERIES 2005-06,

Defendant.

ORDER

Upon the pending settlement of this action, the court finds
it unnecessary for further proceedings to be conducted herein.
Accordingly, the court **ORDERS** as follows:

1. The motions pending before this court, defendant's motion for judgment on the pleadings, (Doc. No. 59), and plaintiffs' motion to compel, (Doc. No. 79), are hereby **DENIED** as moot.

2. The motion hearing scheduled for Wednesday, September 9, 2015 is hereby cancelled.

3. That the Clerk retire this action from the active docket of this court. The parties may, within thirty days after entry of this Order, submit an agreed order of dismissal. Otherwise, dismissal will be entered without prejudice.

4. The court may, for good cause shown, reinstate this action to the active docket, which good cause shall be set forth in writing and filed with the Clerk within said thirty days.

The Clerk is directed to send copies of this Order to all counsel of record.

It is **SO ORDERED** this 8th day of September, 2015.

ENTER:



David A. Faber
Senior United States District Judge